

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TEXTRON INNOVATIONS INC.,)	
)	
Plaintiff,)	
)	C. A. No. 05-486 (GMS)
v.)	
)	JURY TRIAL DEMANDED
THE TORO COMPANY,)	
)	
Defendant.)	

**AMENDED
DECLARATION OF DAVID E. MOORE
IN SUPPORT OF TORO'S OPENING CLAIM CONSTRUCTION BRIEF**

Richard L. Horwitz (#2246)
David E. Moore (#3983)
POTTER ANDERSON & CORROON LLP
Hercules Plaza, 6th Floor
1313 N. Market Street
Wilmington, Delaware 19899-0951
(302) 984-6000
rhorwitz@potteranderson.com
dmoore@potteranderson.com

OF COUNSEL:

Earl D. Reiland
Anthony R. Zeuli
Thomas J. Leach
MERCHANT & GOULD P.C.
3200 IDS Center
80 South 8th Street
Minneapolis, MN 55402
(612) 332-5300

*Attorneys for Defendant
The Toro Company*

Dated: August 17, 2006

I, David E. Moore, declare as follows:

1. My name is David E. Moore. I am an associate with the law firm of Potter Anderson & Corroon L.L.P., which represents Defendant The Toro Company, ("Toro") in the above captioned matter.
2. Attached hereto as Exhibit 1 is a true and correct copy of U.S. Patent No. 1,827,559.
3. Attached hereto as Exhibit 2 is a true and correct copy of U.S. Patent No. 1,607,378.
4. Attached hereto as Exhibit 3 is a true and correct copy of U.S. Patent No. 2,114,096.
5. Attached hereto as Exhibit 4 is a true and correct copy of an article by Dave Buchanan, *Rotaries Take to Golf Courses*, Ground Maintenance, January 1991, at 58.
6. Attached hereto as Exhibit 5 is a true and correct copy of a Toro brochure titled "Groundsmaster-580D", dated 1990.
7. Attached hereto as Exhibit 6 is a true and correct copy of *Sentex Sys., Inc. v. Elite Access Sys., Inc.*, 1999 U.S. App. LEXIS 3846 (Fed. Cir. Mar. 10, 1999).
8. Attached hereto as Exhibit 7 is a true and correct copy of *Wireless Agents LLC v. Sony Ericsson Mobile Comm'n.*, 2006 U.S. App. LEXIS 18933 (Fed. Cir. July 26, 2006).
9. Attached hereto as Exhibit 8 is a true and correct copy of an excerpt from Merriam-Webster's Collegiate Dictionary 1174 (10th ed. 1997).

10. Attached hereto as Exhibit 9 is a true and correct copy of an excerpt from Webster's Third New Int'l Dictionary 713 (2002).

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Executed this 17th day of August, 2006.

/s/ David E. Moore
David E. Moore

746028

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CERTIFICATE OF SERVICE

I, David E. Moore, hereby certify that on August 17, 2006, the attached document was electronically mailed and hand delivered to the following persons and was electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following and the document is available for viewing and downloading from CM/ECF:

Edmond D. Johnson
Peter B. Ladig
The Bayard Firm
222 Delaware Avenue, Suite 900
Wilmington, DE 19801
tjohnson@bayardfirm.com
pladig@bayardfirm.com
KWright@bayardfirm.com

I hereby certify that on August 17, 2006, I have Electronically Mailed and Federal Expressed the documents to the following non-registered participants:

Christopher C. Campbell
Hunton & Williams LLP
1900 K Street, N.W.
Washington, DC 20006-1109
srobertson@hunton.com
ccampbell@hunton.com
mlouey@hunton.com
lmarlatt@hunton.com
fmckeeon@hunton.com
dmckim@hunton.com

Michael P. F. Phelps
David Young
Hunton & Williams LLP
1751 Pinnacle Drive, Suite 1700
McLean, Virginia 22102
mpphelps@hunton.com
dyoung@hunton.com

By: /s/ David E. Moore
Richard L. Horwitz
David E. Moore
Hercules Plaza, 6th Floor
1313 N. Market Street
Wilmington, Delaware 19899-0951
(302) 984-6000
rhorwitz@potteranderson.com
dmoore@potteranderson.com